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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

BY

DA 94- 149

In the Matter of )  
 )  
Local Exchange Carriers' Rates, )  
Terms, and Conditions for ) CC Docket No. 93-162 ✓  
Expanded Interconnection for )  
Special Access )  
 )  
Bell Atlantic Telephone Companies )  
Revisions to Tariff F.C.C. No. 1 ) Transmittal No. 613

**MEMORANDUM OPINION AND ORDER**

Adopted: February 14, 1994; Released: February 14, 1994

By the Chief, Tariff Division, Common Carrier Bureau:

1. On November 18, 1993, the Bell Atlantic Telephone Companies (Bell Atlantic) filed Transmittal No. 613 to revise certain terms and conditions associated with its special access collocation tariff, which, inter alia, allows Bell Atlantic to calculate some estimated construction charges on a time and materials basis. This transmittal will: (1) allow all subsequent collocators at a given location, regardless of when they establish service, to pay a prorated portion of the common nonrecurring charges associated with central office preparation; (2) provide an estimate of construction charges within 25 working days of request by a potential collocator; and (3) clarify that rearrangement charges associated with IntelliMux<sup>1</sup> are available to all users of the service, including collocators. Transmittal 613 is scheduled to take effect on February 15, 1994.

2. On December 13, 1993, MFS Communications Company, Inc. (MFS) filed a petition to reject or, in the alternative, to suspend and investigate Transmittal 613. On December 23, 1993, Bell Atlantic filed its reply. MFS contends that Bell Atlantic, by submitting estimates of construction charges to potential collocators, will establish the charges through an independent contract rather than by filing tariff revisions. MFS characterizes Bell Atlantic's filing as an individual case basis (ICB) rate, and asserts that

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<sup>1</sup>Intellimux service allows customers to manage and reconfigure the network of their voice grade service, Digital Data Service, and/or individual channels within a 1.544 Mbps channel.

it violates the prohibition against ICB pricing of special access collocation rate elements set forth in the Expanded Interconnection Order.<sup>2</sup> MFS at 1-2.

3. Bell Atlantic replies that it will file the actual construction charges in its collocation tariff after construction is completed, instead of filing the estimate before start of construction. According to Bell Atlantic, collocators request changes in specific features during construction which would necessitate filing a number of revisions to the price estimates. Therefore, argues Bell Atlantic, filing actual charges after construction is completed will eliminate the need to file a number of tariff revisions and will allow it to expeditiously accommodate collocators' requests for customized construction. Bell Atlantic Reply at 1-2.

4. This transmittal raises the same issues regarding cost allocations, rate levels, rate structures, and terms and conditions of service as those identified in the Expanded Interconnection Order.<sup>3</sup> Therefore, Transmittal No. 613 is suspended for one day until February 16, 1994, and will be subject to the investigation initiated in the Expanded Interconnection Tariff Order.<sup>4</sup> These rates will also be subject to an accounting order to facilitate any refunds that may later prove necessary.

5. IT IS FURTHER ORDERED that AT&T Communications SHALL FILE a supplement reflecting this rejection no later than five business days from the release of this order to be effective on one day's notice. Special Permission No. 93-83 is assigned for this purpose and Section 61.58 of the Commission's Rules, 47 C.F.R. § 61.58, is waived.

6. IT IS FURTHER ORDERED that the petitions to reject or, in the alternative, to suspend and investigate AT&T Tariff F.C.C. No. 15, Transmittal No. 4742, filed by MCI Telecommunications Corporation and Sprint Communications Company LP ARE GRANTED to the extent indicated herein and otherwise ARE DENIED.

7. Accordingly, IT IS ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, 47 U.S.C. § 204(a), and Section 0.291 of the Commission's Rules, 47 C.F.R. § 0.291, the revisions to Bell Atlantic Tariff F.C.C. No.

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<sup>2</sup>Ameritech Operating Companies, et. al, 8 FCC Rcd 4589, 4600 (Com.Car.Bur. 1993) (Expanded Interconnection Tariff Order), citing Expanded Interconnection with Local Telephone Company Facilities, 7 FCC Rcd 7369, 7442 (Expanded Interconnection Order.)

<sup>3</sup>In the Expanded Interconnection Tariff Order, the Bureau ordered Bell Atlantic, and any other LEC that tariffed physical collocation rate elements as an ICB, to delete references to ICB charges from their physical collocation tariffs and tariff either specific rates or time and materials charges for those rate elements. Expanded Interconnection Tariff Order, 8 FCC Rcd at 4600.

<sup>4</sup>Ameritech Operating Companies, et. al, CC Docket No. 93-162, 8 FCC Rcd 4589 (Com.Car.Bur. 1993) (Expanded Interconnection Tariff Order).

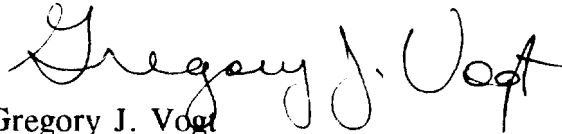
1, Transmittal No. 613, ARE SUSPENDED for one day and an investigation of the referenced tariff transmittal IS INSTITUTED.

8. IT IS FURTHER ORDERED that Bell Atlantic SHALL FILE tariff revisions within five business days of the effective date of this order to reflect this suspension.

9. IT IS FURTHER ORDERED that, for these purposes, we waive Sections 61.56, 61.58 and 61.59 of the Commission's Rules, 47 C.F.R. §§ 61.56, 61.58, and 61.59. Bell Atlantic should cite the "DA" number of the instant Order as the authority for this filing.

10. IT IS FURTHER ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, 47 U.S.C. § 204(a), Bell Atlantic shall keep accurate account of all amounts received by reason of the rates that are the subject of this investigation.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script, reading "Gregory J. Vogt".

Gregory J. Vogt  
Chief, Tariff Division  
Common Carrier Bureau